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AUG 13 2019

UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF MISSOURI

U.S. District Court
Eastern District of MO
Cape Girardeau

DIVISION

Annie Lee Oliver
Heirs and Personal
Representative of the estate
of Michael Benford

Complaint for a Civil Case

(Write the full name of each plaintiff
who is filing this complaint. If the
names of all the plaintiffs cannot fit in
the space above, please write "see
attached" in the space and attach an
additional page with the full list of
names.)

Case No.

(to be assigned by Clerk of
District Court)

Plaintiff requests trial by jury:

☒

Yes

☐

No

v. Tommy Greenwell
individually and in his
Official Capacity, Pemiscot
County; and Does 1 through 10
and Pemiscot Co Jail

(Write the full name of each defendant.
The caption must include the names of
all of the parties. Fed. R. Civ. P. 10(a).
Merely listing one party and writing "et
al." is insufficient. Attach additional
sheets if necessary.)

CIVIL COMPLAINT

NOTICE:

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should not contain: an individual's full social security number or full birth date, the full name of a person known to be a minor, or a complete financial account number. A filing may include only: the last four digits of a social security number, the year of an individual's birth, a minor's initials, and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the \$400.00 filing fee or an application to proceed without prepaying fees or costs.

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

| | |
|--------------------|----------------------------------|
| Name | <u>Annie L. Oliver</u> |
| Street Address | <u>202 N. 5th St.</u> |
| City and County | <u>Hayti Pemiscot</u> |
| State and Zip Code | <u>Mo. 63851</u> |
| Telephone Number | <u>573-359-4483</u> |
| E-mail Address | <u>Ann Oliver 09@gmail.com</u> |

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

| | |
|--------------------|--|
| Name | <u>Tommy Greenwell</u> |
| Job or Title | <u>Sheriff, Pemiscot County</u> |
| Street Address | <u>800 Ward Avenue</u> |
| City and County | <u>Caruthersville, Pemiscot County</u> |
| State and Zip Code | <u>Missouri, 63830</u> |
| Telephone Number | <u>573-333-4101</u> |
| E-mail Address | <u></u> |

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant. If you are suing for violation of your civil rights, you must state whether you are suing each defendant in an official capacity, individual capacity, or both.)

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only three types of cases can be heard in federal court. Provide the information for this case. (Include all information that applies to your case)

A. Federal question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

This case is brought pursuant to 42 U.S.C. §§ 1983 and 1988. Jurisdiction is based upon 28 U.S.C. §§ 1331 and 1343 (1-4). This court also has supplemental jurisdiction over the state law wrongful death, survival, other state law claims, and over defendants, pursuant to 28 U.S.C. § 1367.

B. Suit against the Federal Government, a federal official, or federal agency

List the federal officials or federal agencies involved, if any.

NA

C. Diversity of Citizenship

These are cases in which a citizen of one State sues a citizen of another State or nation, and the amount at stake is more than \$75,000. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

1. The Plaintiff(s)

The plaintiff, (name) Annie L. Oliver, is a citizen of the State of (name) Missouri.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)

If the defendant is an individual

The defendant, (name) _____, is a citizen
of the State of (name) _____ Or is a citizen
of (foreign nation) _____.

If the defendant is a corporation

The defendant, (name) _____
is incorporated under the laws of the State of (name)
_____, and has its principal place of
business in the State of (name) _____ Or
is incorporated under the laws of the State of (foreign nation)
_____, and has its principal place
of business in (name) _____.

*(If more than one defendant is named in the complaint, attach an
additional page providing the same information for each additional
defendant.)*

3. The Amount in Controversy

The amount in controversy----the amount the plaintiff(s) claims the defendant(s)
owes or the amount at stake----is more than \$75,000, not counting interest and
costs of court, because (explain):

III. Statement of Claim

Type, or neatly print, a short and plain statement of the FACTS that support your claim(s). For every defendant you have named in this complaint, you must state what he or she personally did to harm you. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Do not make legal arguments, or cite court cases or statutes. You may attach additional pages if necessary.

Your statement of claim must include all of the following information:

1. What happened to you?
2. When did it happen?
3. Where did it happen?
4. What injuries did you suffer?
5. What did each defendant personally do, or fail to do, to harm you?

This is a complaint for damages for violations of federal & state civil rights, and state law, committed by peniscot county and its respective officials, police officers, employees, and agents. Their wrongful acts and/or commissions caused the painful & unnecessary death of Michael Benford, a beloved father, son, and brother.

Defendants took Mr. Benford into custody in their jail May ~~2018~~ ²⁰¹⁷ and denied him his potassium medications and other crucial medical treatments despite knowing that he required them. Defendants were made aware of his needs for the medication by his family members, and Mr. Benford himself, and were even provided the medication by plaintiff Ms. Oliver. Ms. Oliver and Mr. Benford requested medical assistance for Mr. Benford from defendants at this time and continued to do so while he was detained. Nevertheless, defendants refused to provide Mr. Benford his medications for weeks while he was detained awaiting trial on August 13th, 2017. Mr. Benford died in the defendants custody and care as a result of them denying him his medication.

IV. Relief

State briefly and precisely what damages or other relief you want from the Court. Do not make legal arguments.

Plaintiffs pray for the following relief from Defendants; damages for loss of love, companionship, comfort, and support; pre-death pain and suffering, loss of life and loss of enjoyment of life; compensatory damages, punitive damages, statutory damages, and further just relief as deemed appropriate.

Do you claim the wrongs alleged in your complaint are continuing to occur now?

Yes ☒ No ☐

Do you claim actual damages for the acts alleged in your complaint?

Yes ☒ No ☐

Do you claim punitive monetary damages?

Yes ☒ No ☐

If you indicated that you claim actual damages or punitive monetary damages, state the amounts claimed and the reasons you claim you are entitled to recover these damages.

For punitive damages of no less than 1,000,000, pursuant to 42 U.S.C. § 1983 and the common and statutory law of the State of Missouri, and any other applicable laws of statutes, in an amount sufficient to deter and make an example of each non-governmental entity Defendant.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 13th day of August, 20 19.

Signature of Plaintiff(s) Amber Oliver